

3 October 1986

## MEMORANDUM

SUBJECT: The Political Rights of Non-Jews in Israel  
and the Status of the Occupied Territories

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Rights of Non-Jews in Israel

1. Non-Jewish residents of Israel within its pre-1967 borders have full political rights. Non-Jews in Israel proper are citizens and have the right to vote in national and local elections. The right to participate in political associations, publish tracts and newspapers, and hold political rallies is the same for Jewish and non-Jewish citizens.

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2. In practice, security concerns put some restrictions on the political rights of non-Jewish citizens. Arabs are excused from army service primarily to avoid the danger of a fifth column within the military. Since Israeli veterans receive special preference for many of Israel's social welfare benefits, the Arabs' virtual exclusion from the army puts them at a disadvantage. Israeli law also bans political parties and publications that advocate the destruction of the state. In practice this has affected Arabs more than Jews.

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3. The political rights of non-Jews in the occupied territories are very limited. They may not obtain Israeli citizenship, vote in national elections, or form political associations. Their rights to political assembly are limited because of Israeli security concerns. Arabs living in Jerusalem have the right to obtain Israeli citizenship and vote, but few have exercised this right.

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The Status of the Occupied Territories

4. US Government policy is that the future status of the West Bank, Gaza Strip, and East Jerusalem is still to be determined by negotiations between the parties to the dispute. Israel agrees that the ultimate status of the West Bank and Gaza has not yet been determined, but the question of what to do with those territories is the most contentious political issue in Israel today. Israel's Labor Party and its allies are prepared

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to make significant territorial concessions on the West Bank and Gaza in exchange for peace. Israel's Likud bloc prefers to retain those territories. [REDACTED]

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5. Israel formally annexed Arab East Jerusalem soon after the end of the June 1967 war. Israelis are almost unanimously united that Jerusalem should not be divided again. In 1981, Israel unilaterally extended Israeli law to the Golan Heights. The United States does not recognize Israel's unilateral annexation of East Jerusalem or extension of Israeli law to the Golan Heights. [REDACTED]

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6. The status of the West Bank, Gaza, and Jerusalem in international law is a matter of considerable controversy among experts with several contending theories as to who has better legal claim to sovereignty in those territories. The last universally recognized sovereign in those areas was the Ottoman Empire. Jordan's claim to the West Bank, including East Jerusalem, was recognized by only two countries--Great Britain and Pakistan. The status of the Gaza Strip is even murkier since Egypt made no claim of sovereignty when it administered the area from 1948 to 1967. Except for East Jerusalem, the Israeli Government has not made any formal claim of sovereignty over the West Bank or Gaza. In the case of the Golan Heights, there is no serious legal challenge to Syria's claim of sovereignty over the area. In all of the territories, however, the circumstances of regional politics and diplomacy will be more important than the strength of competing legal claims to sovereignty in settling the disputes. [REDACTED]

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